

REMARKS

Claim 1 is amended. Claims 1-17, as amended, remain in the application. No new matter is added by the amendment to the claims.

In the Office Action dated September 21, 2005, the Examiner stated that the application contains claims directed to the following patentably distinct species of the claimed invention:

Species A: Figures 1A, 1B, 1C, 2A, and 2B

Species B: Figures 3A and 3B

Species C: Figure 4

Species D: Figures 5A and 5B

Species E: Figure 6

During a telephone conversation with Applicant's attorney on September 1, 2005, a provisional election was made without traverse to prosecute the invention of Figures 1A, 1B, 1C, 2A, and 2B, Claims 1-3, 5-7, and 9-12. Applicant hereby affirms this election.

The Examiner stated that Claim 1 is generic and that upon the allowance of a generic claim, Applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141.

The Examiner objected to Claim 1 is objected to because of the following informalities: The phrase "at least one guide element and having a portion" Claim 1, Page 12, Line 5 is improper. The Examiner stated that the office recommends the Applicant to omit the word "and" so the amended phrase reads "at least one guide element having a portion."

The recommended amendment does not accurately define the invention. The "portion" is a portion of the movable belt; not a portion of the guide element. As set forth in lines 6-7 of original Claim 1, "said portion of said movable belt contacts the guide surface". Applicant amended Claim 1 to clarify this relationship. Applicant notes that similar language is included in independent Claims 14 and 17 and Applicant is willing to amend these claims if the Examiner determines that it is necessary.

The Rejections:

The Examiner rejected Claims 1, 2, 5 and 6 under 35 U.S.C. 102(e) as being anticipated by Hoare et al. U.S. Patent No. 6807775.

The Examiner rejected Claim 3 under 35 U.S.C. 103(a) as being unpatentable over Hoare et al.

The Examiner rejected Claims 9 and 10 under 35 U.S.C. 103(a) as being unpatentable over Hoare et al. in view of Wetzel U.S. Patent No. 4235119.

The Examiner rejected Claims 11 and 12 under 35 U.S.C. 103(a) as being unpatentable over Shalit U.S. Patent No. 4893435 in view of Hoare et al.

Applicant's Response:

U.S. Patent 6,807,775 to Hoare et al. was filed on March 12, 2003. Applicant claims priority from European patent application EP 02022422.6 filed October 4, 2002. See the attached copy of the first page of the filing receipt. Therefore, the Hoare et al. patent is not prior art as to the present application.

Since all of the rejections are based upon the Hoare et al. patent alone or in combination with another reference, Applicant believes that all of the rejections are overcome. Also, Applicant is entitled to consideration of the withdrawn claims since such claims include all the limitations of an allowed generic claim.

The Examiner stated that the prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. The Examiner cited: U.S. Patent No. 3,611,637 to Saino; U.S. Patent No. 3,798,705 to Julian; U.S. Patent No. 3,890,744 to Galis; U.S. Patent No. 4,331,500 to Gersbeck et al.; U.S. Patent No. 4,674,231 to Radek et al.; U.S. Patent No. 6,330,763 to Kern et al.; U.S. Patent No. 6,854,212 to Engelgau et al.; and GB Patent No. 2213524 to Cameron. Applicant reviewed these references and believes that the claims as amended are patentable over this art of record.

In view of the amendments to the claims and the above arguments, Applicant believes that the claims of record now define patentable subject matter over the art of record. Accordingly, an early Notice of Allowance is respectfully requested.